

CHAPTER 29

UTILITIES

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ARTICLE I. IN GENERAL

SECTION 29-1. OFFICE OF THE DIRECTOR OF PUBLIC UTILITIES CREATED.

The office of the director of public utilities is hereby created. (Ord. of 5-16-78, §25-1) (Ord. No. 049-95, 10-17-95)

SECTION 29-2. GENERAL RESPONSIBILITY OF THE DIRECTOR OF PUBLIC UTILITIES.

The director of public utilities shall have general supervision of the utilities department, including the sources of water supply, reservoirs, distribution system, pumping stations and filter plants, the sewer collection system, pumping stations and treatment and all other public property pertaining to the utilities department. (Ord. of 5-16-78, §25-2) (Ord. No. 049-95, 10-17-95)

SECTION 29-3. RIGHT OF ENTRY OF THE DIRECTOR OF PUBLIC UTILITIES.

Whenever necessary for the purpose of enforcing the provisions of this chapter, or whenever the director of public utilities has reasonable cause to believe that there exists in any structure or upon any premise any condition which could jeopardize the public health by contamination of the public water system, the director of public utilities or his designated representative may enter such structure or premise at all reasonable times to

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inspect the same or to perform any duty imposed by provisions of this chapter, provided that if such structure or premise be occupied, he shall first present proper credentials and request entry. If such entry is refused, the director of public utilities shall have recourse to every remedy provided by law to secure entry. (Ord. of 5-16-78, §25-3)(Ord. No. 049-95, 10-17-95)

Charter reference--Power to furnish public utilities, §9.

Cross references--Public improvements paid for by local assessment, §2-11; building regulations, Ch. 6; erosion and sedimentation control, Ch. 9; collection of garbage and refuse by city, §11-16 *et seq.*; planning, Ch. 19.

State Law Reference--General powers of cities as to public utilities, Code of Virginia, §15.2-2109.

SECTION 29-4. CONSTRUCTION OF WATER AND SEWER MAINS

When a developer or property owner wants to make a connection to the City's water system, the following shall apply:

- (a) The Developer or property owner within the corporate limits of the City of Winchester to which a water and/or sewer connection must be installed shall be responsible for the entire cost of installation of the connections and pavement restoration if required.

The installation of the underground piping on the property shall be in accordance with the provisions of the Virginia Uniform Statewide Building Code and shall be enforced by the Building Official for the jurisdiction in which the installation is taking place.

The installation of the underground piping from the street face of the curb or property line to the water and/or sewer main shall be in accordance with the Public Utilities Standards Manual and the work shall be performed by a Class A, heavy-highway contractor licensed in the Commonwealth of Virginia. Pavement restoration shall be done in accordance with the established standards for utility cuts set forth by the Department of Public Works or the Department of Transportation of the Commonwealth of Virginia which ever should apply.

- (b) Work shall not commence on any service connection until such time as the developer or property owner has made application for service with the Department of Public Utilities.

All service installations will be subject to inspection by the Department of Public Utilities to insure proper installation and compliance with all applicable standards. The furnishing of service to the property will not be activated until such time that the

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installation is inspected and approved by the Director of Public Utilities or his/her designee.

It shall be the responsibility of the developer, property owner or property owner's contractor to notify the Department of Public Utilities twenty-four (24) hours in advance of the installation of any connection. Work on the installation of any connection shall not occur on a weekend or holiday except by written agreement of the Director of Public Utilities.

It will be the responsibility of the developer, property owner or property owner's contractor to obtain any State, County or City permits that may be necessary for work to be performed in a roadway, easement, or right of way.

- (c) The Department of Public Utilities shall provide to the applicant requesting service the general location of the water and/or sewer main from which the service shall be installed and the terminating point of the connections.

The Department of Public Utilities shall provide and install the water meter in the meter vault up through two (2) inches in size. For all meter installations larger than two (2) inches, the applicant is responsible for providing a meter meeting the meter specifications of the Department of Public Utilities.

For meters provided by the Department of Public Utilities, the applicant shall pay to the City of Winchester a meter fee equal to the contract price at which the City is purchasing meters at the time of installation of the service.

- (d) The Common Council shall have the discretion to direct the Department of Public Utilities to install new water and/or sewer mains to serve existing or future property uses (residential, commercial, industrial). A financial analysis including estimated project costs and proposed funding sources shall be prepared prior to approval by the Common Council. (Code 1959, §22-13; Ord. of 6-14-78; Ord. No. 022-203, 6-10-03)

Cross references--Public improvements paid for by local assessment, §2-11; building permit on existing street not to issue unless water and sewer service is available, §6-17.

SECTIONS 29-5 -- 29-7. RESERVED.

SECTION 29-8. AVAILABILITY CHARGES - WATER, WASTEWATER

- (a) Prior to installation of any new water meter, a statement for an availability charge shall be rendered to the developer or property owner. Payment for each property

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shall be made before the installation and activation of the water meter for the property.

- (b) The following fees for the availability of water service are hereby established and levied, based on the meter size to be utilized by the customer, payable when the connection is established. Dates shown are effective dates for fees. Only property approved for Subdivision by the Common Council for the City of Winchester or the Subdivision Administrator by November 9, 2004 shall qualify for the staggered rates. For properties not approved by November 9, 2004, the fee is the full amount shown for Non-Approved Properties.

APPROVED PROPERTIES AS OF NOVEMBER 9, 2004

	Current Fees	Fees After January 31, 2005	Fees After March 1, 2005
5/8" X 3/4"	\$ 2,200	\$ 3,600	\$ 5,000
1"	\$ 4,500	\$ 5,500	\$ 6,500
1 1/2"	\$ 8,500	\$ 8,500	\$ 8,500
2"	\$13,500	\$13,500	\$13,500
3"	\$25,000	\$25,000	\$25,000
4"	\$30,000	\$30,000	\$30,000
6"	\$45,000	\$45,000	\$45,000

NON-APPROVED PROPERTIES AS OF NOVEMBER 9, 2004

5/8" X 3/4"	\$ 5,000
1"	\$ 6,500
1/2"	\$ 8,500
2"	\$13,500
3"	\$25,000
4"	\$30,000
6"	\$45,000

The following fees for the availability of wastewater service are hereby established and levied, based on the water meter size to be utilized by the customer, payable when the connection is established.

APPROVED PROPERTIES AS OF NOVEMBER 9, 2004

	Current Fees	Fees After January 31, 2005	Fees After March 1, 2005
5/8" X 3/4"	\$ 3,200	\$ 5,300	\$ 7,400

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1"	\$ 4,648	\$ 6,524	\$ 8,400
1 1/2"	\$ 6,000	\$ 7,700	\$ 9,400
2"	\$ 9,600	\$10,100	\$10,600
3"	\$35,000	\$35,000	\$35,000
4"	\$45,000	\$45,000	\$45,000
6"	\$70,000	\$70,000	\$70,000

NON-APPROVED PROPERTIES AS OF NOVEMBER 9, 2004

5/8" X 3/4"	\$ 7,400
1"	\$ 8,400
1 1/2"	\$ 9,400
2"	\$10,600
3"	\$35,000
4"	\$45,000
6"	\$70,000

- (c) For connection outside of the City limits, the fees shall be as follows:

WATER

PROPERTY AS OF NOVEMBER 9, 2004

	Current Fees	Fees After January 31, 2005	Fees After March 1, 2005
5/8" X 3/4"	\$ 2,200	\$ 3,600	\$ 5,000
1"	\$ 4,800	\$ 5,650	\$ 6,500
1 1/2"	\$ 9,000	\$ 9,000	\$ 9,000
2"	\$17,000	\$17,000	\$17,000
3"	\$30,000	\$30,000	\$30,000
4"	\$35,000	\$35,000	\$35,000
6"	\$50,000	\$50,000	\$50,000

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WASTEWATER

PROPERTY AS OF NOVEMBER 9, 2004

	Current Fees	Fees After January 31, 2005	Fees After March 1, 2005
5/8" X 3/4"	\$ 3,652	\$ 5,526	\$ 7,400
1"	\$ 4,800	\$ 6,600	\$ 8,400
1 1/2"	\$ 6,500	\$ 7,950	\$ 9,400
2"	\$10,000	\$10,300	\$10,600
3"	\$40,000	\$40,000	\$40,000
4"	\$50,000	\$50,000	\$50,000
6"	\$75,000	\$75,000	\$75,000

(Ord. No. 018-99, 7-13-99; Ord. No. 027-2000, 12-12-00; Ord. No. 022-2003, 6-10-03;
Ord. No. 045-2004, 11-9-04; Ord. No. 003-2005, 2-8-05)

SECTIONS 29-9 – 29-10. RESERVED

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SECTIONS 29-11. WATER RATES.

For all water passing through each meter each billing period, the following schedule of rates shall be in effect based on meter size servicing the account.

Base Rates By Meter Size

<u>Meter Size</u>	<u>First 3000 Gallons</u>	
	<u>City</u>	<u>County</u>
3/4 inch	\$17.60	\$26.50
1 inch	\$24.80	\$37.20
1 1/2 inch	\$31.90	\$47.90
2 inch	\$51.40	\$77.10
3 inch	\$194.90	\$292.30
4 inch	\$265.70	\$398.60
6 inch	\$425.00	\$637.60
8 inch	\$619.90	\$925.90

Water consumption in excess of 3000 gallons per billing period will be billed at a rate of \$2.14 per 1000 gallons for in-city consumption and \$3.22 per 1000 gallons for out-of-city consumption.(Ord. No. 019-2001, 5-8-01)

SECTION 29-12. TEMPORARY WATER SERVICE RATES.

Where temporary water service is required for construction purposes and the permanent service cannot be installed, the applicant may install a temporary service at the cost of installation and removal after approval of the Department of Public Utilities and payment of the applicable availability fees. The customer utilizing the temporary service shall pay for water used at the prevailing water rate. Whenever possible, the permanent service will be installed and utilized for construction purposes. (Ord. No. 022-2003, 6-10-03)

SECTION 29-13. SEWER RATES

The sewer charges shall be based upon the total amount of water used, each billing period at the following rates, except as modified in Section 29-14:

Inside Corporate Limits - \$3.91 per thousand gallons
Outside Corporate Limits - \$3.91 per thousand gallons

The sewer charge for premises connected to the sanitary system, but not to the water system, shall be as follows:

Inside Corporate Limits - \$46.90 bi-monthly
Outside Corporate Limits - \$46.90 bi-monthly

(Ord. No. 028-2000, 12-12-00; Ord. No. 022-2003, 6-10-03)

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SECTION 29-14. APPROVED FLOW METERS; WHEN PERMITTED.

An industrial plant, manufacturing plant, commercial establishment, or hospital which utilized water for cooling, boilers and processing where the usage is not discharged to the sanitary sewer system, may install an approved flow meter at its own expense to measure such usage upon written application to and written approval by the Director of Public Utilities. The sewer charge shall be based on the total amount of water used, less the readings of such approved flow meters, in accordance with the rates set forth in Section 29-13.

SECTION 29-15. MISCELLANEOUS WASTEWATER REGULATIONS.

All persons who discharge into the City's sewage collection system shall be subject to the City's Wastewater Use Ordinance, as it regulates discharges into the system.

If both water and sewer services are available, the premises shall be connected to both the water and sewer. (Ord. No. 022-2003, 6-10-03)

SECTION 29-16. BILLING TERMS.

All water and sewer bills shall be rendered on a 60-day billing cycle for residential users and a 30-day cycle for commercial and industrial users. Payment must be postmarked or received 30 days from the date of billing for residential accounts and 25 day for commercial and industrial accounts.

Any bill not paid by the due date or by the next regular workday if the due date falls on Saturday, Sunday or legal holiday for the office of the government of the City of Winchester, shall be assessed a 10% late payment charge.

Where any water and sewer bill has not been paid by the due date, the water service shall be subject to disconnection ten (10) days after the mailing of a second notice to the customer's address of record. The water and sewer account, once subject to disconnection for non-payment of bill, shall be assessed a processing fee of twenty dollars (\$20.00). Service shall not be reconnected until all outstanding water and sewer bills, including a late payment charge, are paid.

The owner of the property shall be responsible to the City of Winchester for the payment of water and sewer bills. On written request of the owner of the property, the tenant may be billed in the owner's name for water and sewer service, but this request shall not relieve the owner from responsibility.

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All water and sewer bill for the billing period ending May 1, 1999 and each month thereafter shall be computed on the rates prescribed in Sections 29-11 and 29-13. (Ord. No. 022-2003, 6-10-03)

SECTION 29-17. APPLICATIONS FOR SERVICE; INSPECTIONS.

All applications for water and sewer service shall be made in writing to the Department of Public Utilities on forms prepared for that purpose. A new application is required upon change of ownership of any property connected to the water and/or sewer systems.

An inspection permit, according to the Virginia Uniform Statewide Building Code, shall be secured before service connections are made to premises located inside or outside the corporate limits. (Ord. No. 022-2003, 6-10-03)

SECTION 29-18. SEPARATE CONNECTIONS REQUIRED.

Each premise shall have a separate water and sewer connection. For that purpose of this Section, a premise is defined as a property which cannot be divided in its present condition through sale, except that condominiums may have single water and sewer services provided the condominium association accepts full responsibility, in writing, for water and sewer service line maintenance. Each unit must be individually metered and the unit owner responsible for payment of the water sewer bill.

SECTION 29-19. DEPOSIT.

Before service shall be rendered to any of the following water and sewer customers, a deposit of \$90.00 shall be paid to the City of Winchester.

- (a) Any customer who is not the owner of the property to be served and for which the property owner has authorized the water and sewer account to be placed in the name of that individual through the signing of a Tenant Form.
- (b) Any homeowner establishing a residential account who has not had an account with the City of Winchester.
- (c) Any homeowner with an existing account prior to the effective date of this Ordinance who established a new account to another location served by the City and who has been delinquent in payment of a water and/or sewer bill within the last two years.

An individual's deposit is transferable from one service location to another within the City's service area. (Ord. No. 022-2003, 6-10-03)

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SECTION 29-20. DEPOSIT REFUND.

When a customer terminates service or has one year of service without delinquency, the deposit shall be refunded, without interest, by crediting it to the customer's account. Upon termination of service and after deducting any charges due to settle the customer's account with the City, the balance shall be refunded within fourteen (14) calendar days. Refunds shall be made only to the individual in whose name the water and sewer was established. (Ord No. 009-99, 4-13-99)

SECTION 29-21. RESERVED.

ARTICLE II. WATER

DIVISION 1. GENERALLY.

SECTION 29-22. DESIGNATION OF MAIN OR HOUSE SERVICE.

For the purpose of this article, all water pipeline running in the public streets with which the water pipelines running into the lots abutting on the streets connecting at the water meter are water "mains", and all water piping leading from the main to the property on either side are "house services." (Ord. No. 022-2003, 6-10-03)

SECTION 29-23. BY WHOM MAINTAINED.

- (a) It shall be the responsibility of the property owner to maintain the water house service to the water meter.
- (b) If the property owner wishes to renew the house service from the building to the water meter, it shall be the responsibility of the property owner.
(Ord. No. 022-2003, 6-10-03)

SECTION 29-24. STOP AND WASTE VALVE REQUIRED.

A stop and waste valve located in a place accessible to the consumer of city water shall be placed by the property owner upon every water service. The charges for water service rendered by the City and for the use of city water shall be in accordance with rates established by ordinance, and may be revised from time to time as determined by the City Council. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing such rates, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. (Ord. of 5-16-78, §25-7; Ord. No. 022-2003, 6-10-03)

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SECTION 29-25. INJURING, DEFACING, TAMPERING WITH, ETC., WATERWORKS PROPERTY.

- (a) It shall be unlawful for any person to injure or deface the pumping station or reservoir or any house, wall, fire hydrant or other fixture connected with or pertaining to the city waterworks.
- (b) It shall be unlawful for any person to tamper with or turn on any water meter, pipeline, valve, or hydrant which is part of the city water system or to attach to a public water pipe, except an employee of the water and sewer department, duly authorized members of the fire department during emergency situations, or other individuals specially authorized to do so by the director of public utilities. (Ord. of 5-16-78, §§25-7, 25-8; Ord. No. 005-80, 4-08-80; Ord. No. 049-95, 10-17-95; Ord. No. 022-2003, 6-10-03)

SECTION 29-26. OBSTRUCTING ACCESS TO DISTRIBUTION SYSTEM FIXTURES.

It shall be unlawful for any person to place any building material or other thing on any water fixture or water pipeline of the water distribution system so as to obstruct access thereto. (Ord. of 5-16-78, §25-9; Ord. No. 022-2003, 6-10-03)

SECTION 29-27. VOLUNTARY WATER CONSERVATION

- (a) The city manager is hereby authorized to invoke voluntary restrictions on the use of water during any period in which moderate or limited supplies of water are available. The phrase “moderate or limited supplies”, as used herein, shall be defined to mean, but not necessarily be limited to mean, that less than sixty percent (60%) of the City’s total available water storage is on hand, or, that the daily consumption of water has equaled or exceeded ninety percent (90%) of the capacity of the components of the City’s water system to deliver water, as determined by the Director of Public Utilities.
- (b) During such periods of moderate or limited supplies, the city manager shall request all persons whose water supply is furnished from a city owned or city operated water system to entirely cease:
 - 1. Watering shrubbery, trees, lawns, or other vegetation.
 - 2. Washing cars, trucks, or other vehicles, except from a bucket or other container not exceeding three (3) gallons capacity, or, at an automatic car wash.

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3. Washing or flushing streets, driveways, building exteriors, or other outdoor surfaces.
 4. Operation of any ornamental fountain or other similar fixtures.
 5. Filling or adding water to swimming or wading pools.
 6. Serving drinking water in restaurants, except on request.
- (c) In declaring voluntary restrictions pursuant to this section the city manager shall by written notice advise each city council member of the declaration; shall post a written notice at the entrance in City Hall; and shall advise the news media. The notices herein prescribed should encourage all users to voluntarily continue other water conservation practices.
- (d) Nothing herein shall, in any way, be construed to impinge or hinder the authority of the Council to impose mandatory conservation measures on all of the City's water customers by duly adopted Ordinance, and to provide for penalties in such an Ordinance for any of its customers who violate such measures. (Ord No. 003-2000, 3-14-00; Ord. No. 022-2003, 6-10-03)

Cross references--Duty of city auditors to keep records concerning water utility, §2-160

State Law References--Municipal water supplies and facilities, Code of Virginia, §§15.2-2109; 15.2-2143-15.2-2148; 15.2-1906; public water supply, §32.1-167 *et seq*

SECTION 29-28. RESTRICTIONS ON USE OF WATER DURING WATER SUPPLY EMERGENCY

Pursuant to Section 15.2-924 of the Code of Virginia, 1950, as amended, the Common Council for the City of Winchester, upon a finding that a water supply emergency exists or is reasonably likely to occur if water conservation measures are not taken, may adopt an ordinance restricting the use of water within the City of Winchester.

Such ordinance, once duly enacted by the Common Council, shall:

- (a) restrict the use of water by the citizens of the City of Winchester for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency; and
- (b) apply only to water supplied by the City of Winchester for a fee or charge.

Such ordinance may include appropriate penalties designed to prevent excessive use of water, including, but not limited to, a surcharge on excessive amounts used and/or discontinuance of water services. (Ord. No. 022-2003, 6-10-03)

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SECTION 29-29. UNAUTHORIZED USE OF WATER.

It shall be unlawful for any person to use water from the city waterworks for any purpose for which he has neither paid nor obtained permission. (Ord. of 5-16-78, §25-10)

SECTION 29-30. POLLUTION OF WATER SUPPLY.

It shall be unlawful for any person to pollute the water supply of the City. (Ord. of 5-16-78, §25-11)

State Law Reference--Prevention of water pollution by city, Code of Virginia, §15.2-2109.

SECTION 29-31. DISCONTINUANCE OF SERVICE UPON CONVICTION OF CERTAIN OFFENSES.

Any person who shall incur a penalty or forfeiture under any provision of this chapter respecting water service shall, on conviction thereof, be regarded as having forfeited his right to such water service and shall be subject, in the discretion of the city council, to have the pipe conveying water to such service severed from the public pipe or the water turned off from his premises. (Ord. of 5-16-78, §25-12)

SECTION 29-32. DECLARED WATER SUPPLY EMERGENCY; MANDATORY CONSERVATION; PENALTIES

- (a) In the event the Common Council ratifies a declaration of a local emergency within the City, as required by Section 44-146.21 (a) of the Code of Virginia, 1950, as amended, and such declaration is caused by a water supply shortage within the City, then the following provisions shall take effect at the time of such ratification and shall remain in effect throughout the duration of the declared emergency:
1. The watering of trees, shrubbery, lawns, or any other vegetation from City water supplies shall be prohibited.
 2. The washing of cars, trucks, or any other vehicles utilizing City water supplies shall be prohibited, to include commercial car washes.
 3. The washing or flushing of streets, driveways, building exteriors, or other outdoor surfaces utilizing City water supplies shall be prohibited.
 4. The operation of any ornamental fountain or other similar fixtures making use of City water supplies shall be prohibited.
 5. The filling or addition of water to swimming or wading pools from City water supplies shall be prohibited.

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6. The serving of drinking water in restaurants, except on request, from City water supplies shall be prohibited.
 7. The operation of any water-cooled comfort air-conditioning which operates from City water supplies shall be prohibited, unless water-conserving equipment is part of the unit and is in normal, working operation, or, unless the operation of such equipment is a bona fide medical necessity.
 8. The use of water from any fire hydrant which operates from City water supplies shall be prohibited, except for fire suppression purposes.
 9. Residential uses of City water supplies shall be restricted to drinking, bathing, cooking and sanitary uses, and any other uses of such supplies shall be prohibited.
 10. The operation of any industrial or commercial activity or process, to expressly include any type of building construction, utilizing City water supplies shall be prohibited. Commercial and industrial users of City water supplies shall be restricted to the sanitary and drinking needs of employees, customers, and visitors.
- (b) Any person, firm, association, or corporation violating any provision of this Section shall be immediately assessed a surcharge of One Hundred Dollars (\$100.00) and shall be immediately disconnected from the City's water system for the duration of such emergency by the Director of Public Utilities. Such service shall not be restored after the duration of the emergency until the processing fee specified by this Code shall have been paid, together with all outstanding charges, to expressly include the surcharge herein described. (Ord. No. 006-2000, 3-14-00; Ord. No. 022-2003, 6-10-03)

SECTIONS 29-33 -- 29-35. RESERVED.

DIVISION 2. METERS AND SERVICE CHARGES.

SECTION 29-36. RESERVED.

SECTION 29-37. RESPONSIBILITY OF CONSUMER TO PROTECT METER FROM DAMAGE.

- (a) Every consumer of city water shall ascertain the location of his water meter; shall use every care to protect his water meter from damage due to freezing or any other cause; and, where the meter has been damaged, shall notify the utilities department. (Ord. of 5-16-78, §25-14; Ord. No. 022-2003, 6-10-03)

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SECTION 29-38. REPAIR OF DAMAGED METERS.

- (a) The utilities department shall be responsible for the repair of all water meters damaged by freezing or any other cause, and the consumer shall pay for such repairs only if the damage was the direct result of negligence on the part of the consumer.
- (b) It shall be unlawful for any person, other than personnel of the utilities department, to thaw or otherwise attempt to repair a water meter unless specifically authorized by the director of public utilities.
- (c) Unless authorized in advance, the City will not pay a plumbing bill for the thawing of a water meter. (Ord. of 5-16-78, §25-14; Ord. No. 049-95, 10-17-95)

SECTION 29-39. SERVICE CHARGES GENERALLY.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing the rates of charges for water service rendered by the City or otherwise relating to such charges, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in the Code.

State Law References--Authority of city to charge and collect compensation for water furnished, Code of Virginia, §15.2-2143. See also §15.2-2111, regulation of water service.

SECTION 29-40. COMPLAINTS IN CONNECTION WITH CHARGES; TESTING METERS.

All consumers of city water having any complaint in connection with the charge for the supply or use of water furnished by the City shall report the same, in writing, to the Director of Public Utilities. Any consumer of city water who feels that he is being overcharged may have his meter tested. If the meter is found to be over-registering or under registering, the meter will be repaired and no cost assessed against the consumer. In the event of a meter over-registering, the consumer's bill will be adjusted accordingly. If, after a complaint is made by a consumer, the water meter is found to be in good working order, a fee of twenty-five dollars (\$25.00) will be charged the consumer. Meter accuracy shall be in accordance with standards of the American Water Works Association (AWWA - C700). (Ord. of 5-16-78, §25-17; Ord. No. 049-95, 10-17-95; Ord. No. 022-2003, 6-10-03)

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SECTION 29-41. AVERAGE BILL FOR CHARGES IN CASE OF DEFECTIVE METER.

If a water meter becomes defective or ceases to register, it shall be repaired or replaced at once and an average bill for a like period of time shall be charged the consumer of city water. (Ord. of 5-16-78, §25-15)

SECTION 29-42. ADJUSTMENT OF WATER AND WASTEWATER CHARGES.

(a) READING OR BILLING ERROR

1. If, at any time, it is discovered that an error has occurred in the reading of a water meter, or that an error was made in the preparation of a bill, the Department of Public Utilities shall adjust the reading and billing based on the rereading of the meter and recalculation of the water and sewer charges.
2. The Department of Public Utilities shall, upon making any necessary adjustment, issue an adjusted billing and provide the customer with 30 days in which to pay the adjusted amount due.

(b) LEAK RESULTING IN HIGH CONSUMPTION

1. For a leak that occurs from a defect in any buried or non-buried pipe, fixture, or fitting on the customer's side of the meter, such that the water from the leak is not returned to the City's sewer system, the sewer bill may be adjusted.
2. Should a high consumption occur due to a leak, an adjustment to the sewer portion of the bill may be made to allow for a credit for a period of such high consumption not exceeding six (6) months. The adjustment shall be calculated by subtracting the average sewer bill for the four (4) months following repair of the leak as provided in Section 29-42(b)(3) from the sewer bills for the period during which the leak occurred. No adjustment shall be made for a period of high consumption exceeding six (6) months. Any credit provided shall not be transferable to any new owner of the property.
3. In order for an adjustment to be made, the property owner must have the leak repaired within fifteen (15) business days after notification is given by the Department of Public Utilities through receipt of a High Consumption Notice or a billing for water and sewer service. A request must be made to the said Department, as described hereafter in subsection (b)(4). Nothing herein shall otherwise require a property owner to make the repairs described.

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4. The request for an adjustment must be made in writing to the Department of Public Utilities and should contain the following information:
 - A. The dates that the leak was discovered and repaired.
 - B. Who made the repairs.
 - C. A copy of receipts for materials and services documenting the repair.
5. The customer shall be allowed an adjustment for only one period of high consumption occurring in a twelve (12) month period.

(Ord. of 5-16-78, §25-18; Ord. No. 027-88, 6-14-88; Ord. No. 030-97, 11-11-97, Ord. No. 025-98, 12-8-98; Ord. No. 009-2001, 3-13-01; Ord. No. 022-2003, 6-10-03)

SECTION 29-43. RESERVED

DIVISION 3. BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL

SECTION 29-44. TITLE OF DIVISION.

The provisions of this division shall constitute and be known and cited as the "Backflow Prevention and Cross-Connection Control Program" for the City of Winchester, Virginia. (Ord. of 11-15-78, §1)

SECTION 29-45 DEFINITIONS.

As used in this division, the following words, phrases and terms shall have the meanings ascribed to them in this section, unless clearly indicated to the contrary:

Air gap: The unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying potable water to a plumbing fixture or other device, and the rim of the receptacle.

Anti-siphon: A term applied to valves or mechanical devices that eliminate siphonage or reverse direction flow.

Approved: Material, equipment, workmanship, process or method that has been accepted by the City.

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Auxiliary water system: Any water source or system other than public water supply that may be available in the building or premises.

Backflow: The flow of contaminants, pollutants, process fluids, used waters, untreated waters, chemicals, gases or nonpotable waters into any part of the waterworks. Backsiphonage and backpressure are types of backflow.

Backflow prevention: Any approved device, method or type of construction intended to prevent backflow into a waterworks.

Backflow preventer, reduced pressure zone type (RPZ Device): An assembly of differential valves and check valves including an automatically opened spillage part to atmosphere.

Backsiphonage: The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.

Board/Bureau: The state board of health, bureau of water supply engineering.

City: The council, department or individual official of the City established or authorized by state statute or local ordinance to administer and enforce the provisions of this division, as adopted or amended.

Contamination: Any introduction into pure water of micro-organisms, wastes, wastewater, undesirable chemicals or gases.

Cross-connection: Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemicals whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two (2) systems. Furthermore, it is any potable water supply outlet which is submerged in waste or any other source of contamination.

Degree of hazard: A term derived from the evaluation of the potential risk to health and the adverse effect upon the waterworks.

Double check valve assembly: An approved assembly composed of two (2) internally loaded, specially designed and independently operating check valves, together with a tightly closing valve on the upstream and the downstream side of the check valves, equipped with properly placed female thread test cocks.

Flood-level rim: The edge of the receptacle from which water flows.

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Health hazard: Any condition, device or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Individual water supply: A supply other than an approved public water supply which serves one or more families, businesses, institutional establishments or industries.

Jurisdictional area: For the purpose of enforcing the provisions of this division, the jurisdictional area of the City shall consist of the entire area within the corporate limits and residential, commercial, institutional and industrial establishments outside the City's corporate limits which have a service connection directly to the city's water system.

Owner or designated agent: The person in charge, care or control of the property; the tenant; the consumer who signed the water service agreement.

Pollution: The presence of any foreign substance (chemical, physical, radiological or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Potable water: Water suitable for drinking.

Purveyor: The supplier of water as a matter of business; the City of Winchester, Virginia.

Service connection: The joining of the waterworks to a metered consumer.

Service line: That portion of the water line from the consumer's side of the meter to the first water outlet.

Director of Public Utilities: The director of public utilities, or his designated representative, for the City, who is responsible for the enforcement of this division.

Vacuum breaker, atmospheric: A vacuum breaker which is not designed to be subjected to a line pressure without water flow.

Vacuum breaker, pressure type: A vacuum breaker designed to operate under conditions of constant pressure, both with water flow and without. (Ord. of 11-15-78, §2; Ord. No. 049-95, 10-17-95)

SECTION 29-46. PURPOSE OF DIVISION.

The purpose of this division is:

1. To protect the public potable water supply of the City's complete water distribution system from the possibility of contamination or pollution by isolating

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within its customers' internal distribution systems such contaminants or pollutants which could backflow into the public water supply system; and

2. To eliminate or control cross-connections, actual or potential, at each water outlet from the consumer's service line; and
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water system. (Ord. of 11-15-78, §3)

SECTION 29-47. RESPONSIBILITY FOR ENFORCEMENT OF DIVISION.

The enforcement of the provisions of this division shall be the responsibility of the director of public utilities. (Ord. of 11-15-78, §4; Ord. No. 049-95, 10-17-95)

SECTION 29-48. ENFORCEMENT OF DIVISION BY DISCONTINUANCE OF WATER SERVICE.

Water service will be denied or discontinued to a customer, if the backflow prevention device required by this division is not installed or it is found that the device has been removed or by-passed; if a cross-connection not adequately protected exists on the premises; if the pressure in the City's lines is reduced below 10 psi; or if a violation of this division has not been corrected in the time period established in section 29-50(b). Water service to the consumer shall not be restored until all deficiencies have been corrected or eliminated in accordance with this division. (Ord. of 11-15-78, §12)

SECTION 29-49. GENERAL RESPONSIBILITY OF PURVEYOR.

- (a) The City, as purveyor, recognizes a responsibility to provide its customers, at the service connection, with safe, potable water under all foreseeable circumstances. To this extent, in the exercise of this responsibility, the water purveyor must take reasonable precaution to protect the distribution system from the actual or potential hazards originating on the premises of its customers.
- (b) It is realized that a cross-connection control program is regulatory in nature. Therefore, in conformance with rules and regulations, the requirements of this program are in conformance with the Water Works Regulations, section 6.00, approved by the State Board of Health, and the BOCA Basic Plumbing Code, section P-1605.0. (Ord. of 11-15-78, 5-1)

Editor's note—The BOCA Basic Plumbing Code is a part of the building code adopted in Article II of Chapter 6 of this Code.

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SECTION 29-50. INSPECTIONS GENERALLY; CORRECTION OF DEFECTS.

- (a) The director of public utilities shall notify, in writing, the owner or his designated agent of any buildings or premises to correct, within a reasonable time set by the Director of Public Utilities, any plumbing installed or existing contrary to, or in violation of, this division, and which, in his judgment may permit the pollution of the City's potable water supply or otherwise adversely affect the public health. (Ord. of 11-15-78, §§5-2, 5-3; Ord. No. 049-95, 10-17-95; Ord. No. 022-2003)

SECTION 29-51. RIGHT OF ENTRY.

The Water Works Regulations, adopted by the Virginia Department of Public Health, require that this program be initiated, to insure the consumer is supplied safe potable water at all times. The City, as purveyor of the public water supply, has the right of entry to any building or premise where cross-connections or possible cross-connections are evident or suspected, for the protection of the public water supply and the health and safety of its consumers. The refusal of access, when required, shall be deemed evidence of the presence of cross-connection. (Ord. of 11-15-78, §11)

SECTION 29-52. RECORDS OF INSPECTIONS AND TESTS MADE PURSUANT TO DIVISION.

Records of all inspections and tests made pursuant to this division shall be kept on city forms for ten (10) years, and shall be available for inspection in accordance with the Freedom of Information Act. (Ord. of 11-15-78, §11)

State Law Reference--Freedom of Information Act, Code of Virginia, §2.2-3700 *et seq.*

SECTION 29-53. GENERAL DESIGN, INSTALLATION AND MAINTENANCE STANDARDS FOR POTABLE WATER SUPPLY SYSTEM.

A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from nonpotable liquids, solids or gases, either harmful or benign, being introduced into the potable water supply through cross-connections or any piping connection to the system. This is accomplished by protecting the potable water system from every water outlet which poses a possible cross-connection. Whenever the potable water supply cannot be protected from every water outlet or other possible cross-connection by a minimum air gap, a mechanical device shall be used to prevent backflow from backsiphonage or backpressure, as appropriate to the degree of hazard. In cases where, in the judgment of the City, water usage is sufficiently complex, or severity of hazard warrants, an air gap or backflow

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prevention device may be required immediately downstream from the service connection or at a point approved by the City. (Ord. of 11-15-78, §7)

SECTION 29-54. BACKFLOW PREVENTIVE DEVICES GENERALLY.

- (a) An approved backflow prevention device shall be installed on each service line to a consumer's water system where, in the judgment of the City, a health, pollutional or system hazard to the waterworks exists, and as a minimum, but not limited to, where the following conditions exist:
 - 1. Premises having an auxiliary water system.
 - 2. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks.
 - 3. Premises having internal cross-connections that, in the judgment of the City, may not be easily correctable, or intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist.
 - 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 - 5. Premises having a repeated history of cross-connections being established or re-established.
- (b) Inspections shall be performed on the following types of facilities. If inspection of the facilities determines a health, pollutional or system hazard, as outlined in subsection (a) above, an approved backflow prevention device shall be installed on each service line to the facilities:
 - 1. Hospitals, mortuaries, clinics, nursing homes, medical buildings, sanitariums and autopsy facilities.
 - 2. Laboratories.
 - 3. Waterfront facilities and industries.
 - 4. Sewage and storm drain facilities.
 - 5. Food and beverage processing plants.
 - 6. Chemical plants, dyeing plants, laundries.
 - 7. Metal plating, manufacturing, cleaning, processing and fabricating plants.

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8. Petroleum processing, storage and transmission facilities.
 9. Radioactive materials processing plants or nuclear reactors.
 10. Car washes.
 11. Lawn sprinkler systems and irrigation systems.
 12. Fire service systems, except as noted in Section 29-54.3.
 13. Slaughterhouses and poultry processing plants.
 14. Farms where the water is used for other than household purposes.
 15. Auxiliary water systems.
 16. High-rise hotels and apartment buildings.
 17. Cold storage facilities.
 18. Pools.
 19. Restricted or classified facilities or facilities closed for inspection.
 20. Others specified by the City or the bureau where reasonable cause can be shown for potential backflow or cross-connection hazard.
- (c) The City will have available, upon request, a list of approved backflow prevention devices. Devices not appearing on the list will be considered by the City, provided they have been tested by a recognized testing laboratory or evaluation agency, are of satisfactory materials and conform to AWWA Standard C506. (Ord. of 11-15-78, §§8, 9-1, 9-2)

SECTION 29-54.1. INSTALLATION OF BACKFLOW PREVENTION DEVICES.

- (a) Backflow prevention devices shall be installed in a manner to facilitate easy access for testing, maintenance, repair and replacement. Reduced pressure principle type backflow preventors shall not be installed in pits or areas subject to flooding or freezing. Double gate double-check valve assemblies shall not be installed in areas subject to flooding. If installed in pits, the pits must have gravity drains or a sump pump. (Ord. of 11-15-78, §9-3)

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SECTION 29-54.2. TESTING, INSPECTING, ETC., BACKFLOW PREVENTIVE DEVICES.

- (a) As a minimum, operational tests and inspections shall be made annually of backflow prevention devices which are required and installed. Tests and inspections shall be in accordance with the manufacturer's instructions.
- (b) Inspections of backflow prevention devices shall be performed by a certified backflow prevention devices testing firm and the written certification of such shall be provided to the City.
- (c) Backflow prevention devices found to be defective shall be promptly repaired by the consumer. Positive action shall be taken immediately to insure that the City's water system is protected.
- (d) Backflow prevention devices shall be overhauled at intervals not exceeding five (5) years. (Ord. of 11-15-78, §9-4; Ord. 022-2003)

SECTION 29-54.3. PROTECTIVE DEVICES FOR FIRE SERVICE SYSTEMS.

- (a) For the purposes of this section, fire service systems shall be classified as follows:
 - 1. Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.
 - 2. Class 2: Same as Class 1, except that booster pumps may be installed in the connections from the street mains (booster pumps do not affect the potability of the system; it is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below 10 psi).
 - 3. Class 3: Direct connection from public water supply main plus one or more of the following: Elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition. Otherwise, Class 3 systems are the same as Class 1.)
 - 4. Class 4: Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within one thousand seven hundred (1,700) feet of the pumper connection.

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5. Class 5: Directly supplied from the public mains, and interconnected with auxiliary supplies; such as: Pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used.
 6. Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.
- (b) Generally, fire service systems of Classes 1 and 2 will not require backflow protection at the service connection. Pumper connections of automotive fire department equipment to street hydrants are not ordinarily health hazards.
 - (c) Class 3 fire service systems will generally require minimum protection (approved double-check valves) to prevent stagnant waters from backflowing into the public potable water system.
 - (d) Class 4 fire service systems will normally require backflow protection at the service connection. The type (air gap, reduced-pressure, or double-check valves) will generally depend on the quality of the auxiliary supply.
 - (e) Classes 4 and 5 fire service systems normally would need maximum protection (air gap or reduced pressure) to protect the public potable water system.
 - (f) Class 6 fire service system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.
 - (g) An underwriter approved detector check meter, Hersey or approved equal, will be installed on all fire service lines, but will not be permitted as part of a backflow protection device. An exception may be made, however, if the meter and backflow prevention device are specifically designed for that purpose. (Ord. of 11-15-78, §10)

ARTICLE III. SEWERS

DIVISION 1. GENERALLY

SECTION 29-55. DESIGNATION OF MAIN AND HOUSE SERVICE.

For the purpose of this article, all sewers running in the streets of the City with which the sewers running into the lots abutting on the streets connect at the outside curbline are "main" sewers, and all sewers leading from the main sewers to the property on either side are "house services." (Ord. of 5-16-78, §25-20; Ord. No. 022-2003, 6-10-03)

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SECTION 29-56. BY WHOM MAINTAINED.

When a developer or property owner wants to make a connection to the City's sewer system, the following shall apply:

- (a) It shall be the responsibility of the property owner to maintain the sewer house service.
- (b) In case of any stoppage in the main sewer, the City shall remove the obstruction. If the stoppage occurs in the house service, the property owner whose property connects with the main sewer shall remove the obstruction.
- (c) The owner of the building shall be responsible for cleaning the house service from the building to the main. If the owner renews the house service from the building to the curb, the City will renew the house service from the curb to the main. If the stoppage is found to be in the sewer main, the City will clean the main and pay the property owner's plumber for the time spent working on the stoppage. (Ord. of 5-16-78, §§25-21, 25-24, 25-24.1; Ord. No. 022-2003, 6-10-03)

Charter reference--Borrowing by city for construction of sewers, §18.

State Law References--Power of city council to construct sewers and drains, Code of Virginia, §15.2-2109; contracts between local governments for sewers and sewage disposal, §§15.2-2124, 15.2-2125; sewage disposal systems and bond issues therefor generally, §15.2-2122 *et seq.*; regulation of septic tanks and sewage disposal, §15.2-2157; power of municipal corporations to provide and operate sewers, drains and sewerage disposal systems, §15.2-2122.

SECTION 29-57. RESERVED.

SECTION 29-58. CITY NOT RESPONSIBLE FOR FLOODING WHEN OUTLETS INSTALLED BELOW STREET ELEVATION.

The City will not be responsible for damage to the building, due to flooding with sewage, where sewer outlets are installed below the street or road elevation. (Ord. of 5-16-78, §25-24.1)

SECTION 29-59. WHEN CONNECTION REQUIRED; INSTALLATION OF SEPTIC TANK WHERE SEWER NOT ACCESSIBLE.

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- (a) Every property within the City or its jurisdiction shall be connected with the City sewer, if accessible, within thirty (30) days after written notice by the health director.
- (b) If the City sewer is not accessible, a septic tank, as approved by the state department of health, shall be installed.
- (c) This section shall be enforced by the health director.
(Ord. of 5-16-78, §25-22)

Cross reference--Prohibition against use of privies or cesspools, §16-24.

State Law Reference--Authority to require sewer connections or septic tanks, Code of Virginia, §§15.2-2157.

SECTION 29-60. RESERVED.

SECTION 29-61. SERVICE CHARGES.

The charges for sewer service rendered by the City and for the use of city sewers shall be in accordance with rates established by ordinance, and may be revised from time to time as determined by the city council. Nothing in this Code or the ordinance adopting this Code shall affect any ordinance prescribing such rates, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. (Ord. of 5-16-78, §25-26)

SECTIONS 29-62 - 29-68. RESERVED.

DIVISION 2. SEWER USE STANDARDS

SECTION 29-69. DISCHARGE OF RAINWATER, SURFACE WATER, ETC.

It shall be unlawful for any person to permit rainwater from the roofs of houses, surface water, house foundation drains or drainage from the yard to flow into the sewer, but connections may be made for basement drains in a manner to be approved by the director of public utilities. (Ord. of 5-16-78, §25-25)(Ord. No. 049-95, 10-17-95)

WASTEWATER COLLECTION SYSTEM USE STANDARDS

GENERAL PROVISIONS

SECTION 29-70. PURPOSE AND POLICY.

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These standards set forth uniform requirements for discharge into the wastewater collection system of the City of Winchester and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act, the general pretreatment regulations (40 CFR, Part 403), Virginia Pretreatment Regulation (VR680-14-01, Part VII), and the Rules and Regulations as set forth by the Frederick-Winchester Service Authority.

The objectives of these standards are:

1. To prevent the introduction of pollutants into the wastewater collection system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the wastewater collection system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
4. To provide for equitable distribution of the cost of the wastewater system.

These standards: (1) provide for regulation of the use of the wastewater system through enforcement of general requirements for all users' and through the issuance of permits to certain nondomestic users; (2) authorize monitoring and enforcement activities; and (3) require user reporting.

These standards shall apply to all persons who, whether by contract, permit, agreement, or otherwise, discharge effluent or waste into the wastewater collection system of the City of Winchester, or who are in any way users of the City's wastewater collection system. (Ord. No. 008-91, 3-12-91) .

SECTION 29-71. DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these standards, shall have the meanings hereinafter designated:

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*

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2. Analysis. Any analysis required in these standards shall be performed by a laboratory using procedures established by the Environmental Protection Agency pursuant to Section 304(9) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any of the test procedures approved by the Environmental Protection Agency. Sampling shall also be performed in accordance with techniques approved by the Environmental Protection Agency.
3. Approval authority. The Virginia State Water Control Board.
4. Authorized representative industrial user. An authorized representative of an industrial user may be:
 - a. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
 - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
 - c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, for five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter - mg/l).
6. Categorical standards. National categorical pretreatment standards or pretreatment standard.
7. Cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Editor's note--Ord. No.008-91, adopted March 12, 1991 repeals and re-enacts previous ordinances of the same title respectively adopted August 14, 1990 and October 9, 1990.

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6. Categorical standards. National categorical pretreatment standards or pretreatment standard.
7. Cooling water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
8. Control authority. The term "Control Authority" shall refer to the Frederick-Winchester Service Authority.
9. Critical or significant industrial user. User of the City of Winchester wastewater disposal system that is either (1) a categorical industrial user, or (2) a noncategorical industrial user that:
 - a. discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blowdown wastewaters), or
 - b. contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant, or
 - c. has a reasonable potential, in the opinion of the Control or Approval Authority to adversely affect the POTW operation (inhibition, pass through of pollutants, sludge contamination, or endangerment of POTW workers).
10. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.
11. Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
12. Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.
13. Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
14. Industrial user. A nondomestic discharge to a POTW.
15. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

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- a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
16. National categorical Pretreatment standard or requirement or pretreatment standard or requirement. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users (as established in 40 CFR, Chapter 1, Subchapter N).
 17. National prohibitive discharge standard or prohibitive discharge standard. Any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR, Section 403.5.
 18. New source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source. The term "new source" as it applies to the FWSA Pretreatment Program shall have the same meaning as provided in 40 CFR, Section 403.3(k).
 19. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation).
 20. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
 21. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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22. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
23. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
24. Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by a physical, chemical, or biological process, process changes or other means except as prohibited by 40 CFR, Section 403.6(d).
25. Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
26. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the FWSA. This definition covers any sewers that convey wastewater to the POTW. It does not include pipes or sewers designated to convey stormwater and which are not connected to a facility providing treatment.
27. POTW treatment plant. That portion of the POTW designed to provide treatment to wastewater.
28. Shall is mandatory; may is permissive.
29. Significant non-compliance. A user is in "significant noncompliance" if its violation meets one or more of the specific criteria listed in 40 CFR, 403.8.
30. Slug load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR, 403.5(b) to 403.12(f).
31. State. Commonwealth of Virginia.
32. Standard industrial classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
33. Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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34. Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
35. Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of the Clean water Act, Section 307(a), or other acts.
36. User. Any person who contributes, causes, or permits the contribution of wastewater into the City of Winchester's collection system.
37. Virginia Pollutant Discharge Elimination System. The programs of issuing, conditioning, and denying permits for the discharge of pollutants from point sources, pursuant to Section 402 of the Federal Act.
38. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present as a result of infiltration or inflow.
39. Wastewater discharge permit. That permit which significant industrial users are required to obtain from the FWSA in accordance with these standards.(Ord. No. 008-91, 3-12-91)

SECTION 29-72. ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BOD -Biochemical Oxygen Demand
CFR -Code of Federal Regulations
COD -Chemical Oxygen Demand
EPA -Environmental Protection Agency
FWSA -Frederick-Winchester Service Authority
l -Liter
mg -Milligrams
mg/l -Milligrams per liter
OWRF -Opequon Water Reclamation Facility
POTW -Publicly Owned Treatment Works
SIC -Standard Industrial Classification
SWDA -Solid Waste Disposal Act, 42 U.S.C. 6901, *et seq.*
TSS -Total Suspended Solids
U.S.C. -United States Code
VPDES-Virginia Pollutant Discharge Elimination System
WVCB-Virginia Water Control Board

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(Ord. No. 008-91, 3-12-91).

REGULATIONS

SECTION 29-73. GENERAL DISCHARGE PROHIBITIONS.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through the treatment plant, or interfere with the operation or performance of the POTW, or contaminate the sludge. These general prohibitions apply to all users of the City of Winchester's collection system whether or not the user is subject to national categorical pretreatment standards, or any other national, State, or local standard or requirement. A user shall not contribute the following substances to the City of Winchester's collection system.

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or the operation of the POTW. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any wastestreams with a flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic' tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater not having a pH between 5.5 and 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect

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in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

- (e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its VPDES permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds one hundred four (104) degrees Fahrenheit or forty (40) degrees Celsius.
- (j) Any pollutants, including oxygen demanding pollutants [such as Biochemical Oxygen Demand (BOD's)] released at a flow rate and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the FWSA in compliance with applicable State or federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any stormwater or unpolluted drainage water.

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- (n) Any hauled or trucked waste and/or pollutants is prohibited from discharge to the City of Winchester's collection system. (Ord. No. 008-91, 3-12-91)

SECTION 29-74. SPECIFIC POLLUTANT LIMITATIONS.

No person shall discharge wastewater containing pollutants in excess of those limits set forth by the Frederick-Winchester Service Authority through their Rules and Regulations for wastewater discharge. Whenever any of the above prohibitions are violated, the City of Winchester and/or the Executive Director - FWSA, may initiate enforcement actions to remedy the pollutant in excess of limits.

When the Executive Director - FWSA and/or the City of Winchester determines that a user is contributing to the collection system or treatment facility, any of the above-enumerated substances in such amounts as to pass through or interfere with the operation of the POTW, the Executive Director - FWSA shall:

1. Advise the user of the impact of the contribution of the POTW; and
2. Develop effluent limitations for such user; and/or initiate enforcement action in accordance with the Rules and Regulations of the FWSA. (Ord. No. 008-91, 3-12-91) .

SECTION 29-75. STATE AND FEDERAL REQUIREMENTS.

The most stringent of Federal, State, or FWSA requirements and limitations on discharges shall be applicable.

SECTION 29-76. NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the national categorical pretreatment standards for a particular industrial subcategory contained in 40 CFR, Chapter 1, Subchapter N, Part 405471, the City of Winchester will amend and re-enact this ordinance to incorporate these standards, if more stringent than limitations imposed under this chapter for sources in the subcategory. The Executive Director - FWSA shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Ord. No. 008-91, 3-12-91)

SECTION 29-77. RIGHT TO REVISION.

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The City of Winchester reserves the right to establish by ordinance more stringent limitations or requirements on discharges if deemed necessary by the FWSA to comply with pretreatment standards. (Ord. No. 008-91, 3-12-91)

SECTION 29-78. EXCESSIVE DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or any other pollutant-specific limitations developed by the FWSA or the State. (Ord. No. 008-91, 3-12-91)

SECTION 29-79. ACCIDENTAL DISCHARGES.

- (a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these standards, and shall comply with Section 5 of Division 3 (Protection from Accidental Discharge), of the FWSA Rules and Regulations.
- (b) All critical or significant industrial users shall obtain approval from the FWSA of a Protection from Accidental Discharge Plan before discharge to the City of Winchester collection system will be allowed. (Ord. No. 008-91, 3-12-91)

SECTION 29-80. SLUG CONTROL PLAN.

- (a) The City and/or FWSA under this ordinance shall have the authority to require any user to develop a slug control plan when it is deemed that a slug discharge or accidental spill could cause interference with the POTW.
- (b) This plan shall contain a description of discharge practices both of a routine or nonroutine nature, description of stored chemicals along with MSDS data sheets, procedures for immediate notification to the POTW of slug discharges, and written procedures to prevent adverse impacts from any accidental spill. (Ord. No. 008-91, 3-12-91).

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SECTION 29-81. WASTEWATER DISCHARGE PERMITS.

- (a) Mandatory permits. It is unlawful to discharge without a permit except as authorized herein. All critical or significant industrial users connected to or proposing to connect to or to contribute to the City's collection system shall obtain a wastewater discharge permit before connecting to or discharging to the City's collection system.
- (b) Permit application. Critical or significant industrial users shall complete and file with the FWSA an application in the form prescribed by the FWSA.
- (c) The critical or significant industrial user shall provide the following information:
 - 1. Name, address, and location;
 - 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - 3. Wastewater constituents and characteristics;
 - 4. Time and duration of contribution;
 - 5. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
 - 6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation;
 - 7. Descriptive definition of any discharges, by-products or runoffs from any process, activities or facilities, both normal and abnormal;
 - 8. Where known, the nature and concentration of any pollutants in the discharge which are limited by these standards, FWSA Rules and Regulations, and State or National pretreatment standards;
 - 9. For each product produced, the type and amount of discharge generated (for average and maximum day);
 - 10. Any other information as may be deemed by the FWSA to be necessary to evaluate the permit application; and
 - 11. If additional pretreatment and/or operations and maintenance will be required to meet the Pretreatment Standards, industrial users are required to submit a compliance schedule in accordance with 40 CFR, Part 403 and VR680-14-1, Part 7. (Ord. No . 00 8-91, 3-12-91)

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SECTION 29-82. PERMIT CONDITIONS.

Wastewater discharge permits shall be expressly subject to all provisions of these standards and all other applicable regulations, user charges, and fees established by the FWSA.

An issued Wastewater Discharge Permit may be modified, revoked and reissued, or terminated for good causes including, but not limited to, the following:

- (a) To incorporate any new or revised federal, State, or local pretreatment standards or requirements;
- (b) Material or substantial alterations or additions to the discharger's operation which were not covered in the effective permit;
- (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the Frederick Winchester Service Authority treatment systems, POTW personnel, or the receiving waters;
- (e) Violation of any terms or conditions of this permit;
- (f) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- (g) Upon request of the permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit conditions. (Ord. No. 008-91, 3-12-91)

SECTION 29-83. CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City and FWSA that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics will not be recognized as confidential information.

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Information accepted by the City of FWSA as confidential shall not be transmitted to the general public by the City or FWSA until and unless a ten-day notification is given to the User. (Ord. No. 008-91, 3-12-91)

SECTION 29-84. MONITORING FACILITIES.

The FWSA shall require monitoring facilities to allow inspection, sampling, and flow measurement of the wastewater at a suitable point in the sewer which conveys such wastewater from the user's premises into the collection system. Said facilities are to be provided and operated at the expense of the critical or significant industrial user. (Ord. No. 008-91, 3-12-91)

SECTION 29-85. INSPECTION AND SAMPLING.

The City of Winchester as authorized by the FWSA may inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City of Winchester or FWSA or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, examination, and copying of monitoring reports and results. The City or FWSA shall have the right to install on the user's property such devices as may be necessary to conduct sampling, compliance monitoring and/or metering operations. Acceptance of a permit by a user shall serve as the user's permission for the City or FWSA to do the things set out in this section. The user's permit shall be suspended upon any refusal to allow the City or FWSA to carry out the provisions of this section. (Ord. No. 008-91, 3-12-91)

SECTION 29-86. REPORTING REQUIREMENTS.

All industrial users subject to the Pretreatment Standards and Requirements and significant industrial users shall meet the reporting requirements in accordance with 40 CFR, Part 403.12 and VR680-14-01, Part 7.

Critical or significant industrial users shall give notice to the FWSA 90 days prior to any facility expansion, production increase, or process modifications which result in new or substantially increased discharges or a change in the nature of the discharge.

All sampling and analysis that may be required of a critical or significant industrial user under the Wastewater Discharge Permit issued must be conducted using methods and procedures in 40 CFR, part 1 36. (Ord. No. 008-91, 3-12-91)

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SECTION 29-87. NOTIFICATION ON THE DISCHARGE OF HAZARDOUS WASTE.

An industrial user shall notify the FWSA, the EPA Regional Waste Management Division Director, and the State Hazardous Waste Agency in writing of discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. (Ord. No. 008-91, 3-12-91)

SECTION 29-88. PRETREATMENT.

Users shall provide necessary wastewater treatment as required to comply with these standards. Any facilities required to pretreat wastewater to a level acceptable to the FWSA shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the FWSA for review, and shall be acceptable to the FWSA before construction of the facility. (Ord. No. 008-91, 3-12-91)

SECTION 29-89. HARMFUL CONTRIBUTIONS.

The City of Winchester as authorized by the FWSA may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the FWSA and/or the City of Winchester, in order to stop an actual or threatened discharge which fails to comply with permit limits or which causes or is likely to cause the POTW to violate any condition of its permit, or presents or is likely to present a danger to human health or the environment.

Any person notified of a suspension pursuant to these standards for the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City of Winchester shall take such steps as deemed necessary, including immediate severance of the sewer connection. The City of Winchester shall reinstate the wastewater discharge service upon proof of the elimination of the non-complying discharge being provided to the FWSA. (Ord. No. 008-91, 3-12-91)

SECTION 29-90. REVOCATION OF PERMIT.

Any permittee who violates any of the following conditions of these standards or the FWSA Rules and Regulations or applicable State or federal regulations is subject to having the permit revoked in accordance with the procedures of this section:

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1. Failure to accurately report the constituents and characteristics of the wastewater discharged;
2. Failure to report significant changes in operations or discharge constituents or characteristics;
3. Refusal to permit reasonable access for the purposes of inspection or monitoring;
or
4. Violation of permit conditions.

SECTION 29-91. NOTIFICATION OF VIOLATION.

Whenever the City of Winchester finds that any user has violated or is violating any provision of these standards, any condition of a wastewater discharge permit, or any prohibition, limitation or other requirements, the City shall serve upon such person a written notice stating the nature of the violation, and serve notice to the FWSA for enforcement under the Rules and Regulations of the Authority. (Ord. No. 008-91, 3-12-91)

SECTION 29-92. LEGAL ACTION.

If any person discharges sewage, industrial wastes, or other wastes into the City of Winchester's collection system contrary to the provisions of these standards, national categorical pretreatment requirements, any order of the FWSA, or violates any pretreatment standard or requirement, the City's attorney may commence an action for appropriate legal and/or equitable relief, in the circuit courts of the City of Winchester, or Frederick County. The City may recover reasonable attorney's fees, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person found to have violated these standards or the orders, rules, regulations, and permits issued hereunder. (Ord. No. 008-91, 3-12-91)

SECTION 29-93. PENALTIES.

It shall be unlawful for any person or user to violate any order of the FWSA or knowingly or negligently fails to comply with any provision of these standards or the orders, rules, regulations, and permits issued such person, shall be fined not less than one thousand dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court reporter's fees, and other expenses of litigation by appropriate suit at law against the person found to have violated these standards or the orders, rules, regulations, and permits issued hereunder. (Ord. No. 008-91, 3-12-91)

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SECTION 29-94. FALSIFYING INFORMATION.

Any person or user who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to these standards or rules and regulations of the FWSA or Wastewater Discharge Permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these standards shall be subject to prosecution under Section 29-93 - Penalties. (Ord. No. 008-91, 3-12-91)

SECTION 29-95. PUBLISH LIST OF SIGNIFICANT VIOLATORS.

The City shall provide annual public notification in a newspaper of general circulation with the City of Winchester of users which significantly violated applicable pretreatment standards and requirements during the previous 12 months. (Ord. No. 008-91, 3-12-91)